

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**NOTICE OF 30(b)(6) DEPOSITION OF THE  
DEPARTMENT OF HUMAN SERVICES**

---

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure 30 and 30(b)(6), Plaintiffs, by their undersigned attorneys, will take the deposition upon oral examination of the State of Mississippi, the Department of Human Services and the Division of Family and Children's Services.

The deposition will be conducted at the offices of Bradley, Arant, Rose & White LLP, 188 East Capitol Street, Suite 450, Jackson, Mississippi 39201 on April 27, 2005, at 8:30 a.m. before a certified court reporter duly authorized to administer oaths. The deposition will be stenographically recorded and videotaped. The deposition will commence on the date set forth above and will continue until complete as permitted by law and/or Court Order.

PLEASE TAKE FURTHER NOTICE that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendants are required to designate one or more officers, directors, agents, or other persons who consent to testify on their behalf on the matters described in Exhibit A attached hereto.

RESPECTFULLY SUBMITTED, this the 1st day of April, 2005.

/s Melody McAnally

W. Wayne Drinkwater, Jr. (MBN 6193)  
Melody McAnally (MBN 101236)  
BRADLEY ARANT ROSE & WHITE LLP  
188 East Capital Street, Suite 450  
Jackson, Mississippi 39201  
Telephone: (601) 948-8000  
Facsimile: (601) 948-3000

Stephen H. Leech (MBN 1173)  
850 East River Place, Suite 300  
Jackson, Mississippi 39202  
Telephone: (601) 355-4013

Marcia Robinson Lowry (MBN 43991 *pro hac vice*)  
Eric E. Thompson (MBN 43993 *pro hac vice*)  
Corene Kendrick (MBN 43989 *pro hac vice*)  
CHILDREN'S RIGHTS  
404 Park Avenue South  
New York, New York 10016  
Telephone: (212) 683-2210

John F. Lang (MBN 43987 *pro hac vice*)  
Christian D. Carbone (MBN 43986 *pro hac vice*)  
Eric Manne (MBN 43988 *pro hac vice*)  
LOEB & LOEB LLP  
345 Park Ave.  
New York, New York 10154  
Telephone: (212) 407-4000

*PLAINTIFFS' COUNSEL*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2005, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

<p>Betty A. Mallett, Esq. McGlinchey Stafford, PLLC 200 South Lamar Street, Suite 1100 Jackson, MS 39201</p> <p>Harold E. Pizzetta, III, Esq. Assistant Attorney General General Civil Division Carroll Gartin Justice Building 430 High Street Jackson, MS 39201</p> <p><i>Attorneys for Defendants</i></p>	
--	--

s/ Melody McAnally

**EXHIBIT A**

**MATTERS ON WHICH TESTIMONY IS SOUGHT:**

1. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of files and records on individual children in the custody of DHS, including, but not limited to:
  - a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual children in the custody of DHS, including but not limited to information concerning:
    - i. Pre-custodial investigations of maltreatment;
    - ii. Pre-custodial identification of service needs and provision of services;
    - iii. Assessments of children's needs for placement and services;
    - iv. The level of care assigned to each child and per diem to be paid to his/her placement provider;
    - v. Medical needs identified and treatment provided;
    - vi. Dental needs identified and treatment provided;
    - vii. Education needs identified and services provided;
    - viii. Mental health needs identified and services provided;
    - ix. Reunification needs identified and services provided;
    - x. Adoption needs identified and services provided; and
    - xi. Independent living needs identified and services provided.
  - b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual children in the custody of DHS;

- c. Requirements concerning the contents of files and records on individual children in the custody of DHS; and
  - d. Regional and/or county variations in policy, procedure, or practice regarding the above.
- 2. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of files and records on individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS, including, but not limited to:
  - a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS, including but not limited to:
    - i. Information concerning the maximum number, the age range, and any restrictions in terms of gender or special needs of children to be placed in individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS;
    - ii. Information concerning the number, ages, gender, and special needs (if any) of individual children in the custody of DHS who are in individual

foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS at any given time;

iii. Information concerning the level of care for which individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS are licensed, approved, or authorized and the per diems to be paid; and

iv. Waivers, exceptions-to-policy, or other documents allowing the placement of children in the custody of DHS into placements that would otherwise not be permitted by policy, regulation, or law.

b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS;

c. Requirements concerning the contents of files and records on individual foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract with DHS, that serve as placements for children in the custody of DHS; and

- d. Regional and/or county variations in policy, procedure, or practice regarding the above.
- 3. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of files and records concerning reports and investigations of alleged maltreatment of individual children in the custody of DHS, including, but not limited to:
  - a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged maltreatment of individual children in the custody of DHS;
  - b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged maltreatment of individual children in the custody of DHS;
  - c. Requirements concerning the contents of files and records of reports and investigations of alleged maltreatment of individual children in the custody of DHS; and
  - d. Regional and/or county variations in policy, procedure, or practice regarding the above.
- 4. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of files and records concerning reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints by foster homes, relative homes, group homes and any other placements approved, certified, licensed or authorized by DHS, or private agencies under contract

with DHS, that serve as placements for children in the custody of DHS, including, but not limited to:

- a. The location of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
  - b. The names, titles, form numbers, and descriptions of all paper and electronic records, notes, narratives, forms, or other documents that record information concerning reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
  - c. Requirements concerning the contents of files and records of reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints; and
  - d. Regional and/or county variations in policy, procedure, or practice regarding the above.
5. Policies, practices, and procedures of the Department of Human Services regarding the creation and maintenance of case files and case records by private contract agencies on individual children in the custody of DHS, including, but not limited to:
- a. DHS requirements for private contract agencies to create and maintain records on:
    - i. individual children in the custody of DHS;
    - ii. individual foster homes, relative homes, group homes and any other placements supervised by private agencies under contract with DHS that serve as placements for children in the custody of DHS;



- iii. reports and investigations of alleged maltreatment of individual children in the custody of DHS; and
  - iv. reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
- b. DHS requirements for private contract agencies regarding the content of records on:
- i. individual children in the custody of DHS;
  - ii. individual foster homes, relative homes, group homes and any other placements supervised by private agencies under contract with DHS that serve as placements for children in the custody of DHS;
  - iii. reports and investigations of alleged maltreatment of individual children in the custody of DHS; and
  - iv. reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints;
- c. DHS requirements for private contract agencies to provide to DHS their records on:
- i. individual children in the custody of DHS;
  - ii. individual foster homes, relative homes, group homes and any other placements supervised by private agencies under contract with DHS that serve as placements for children in the custody of DHS;
  - iii. reports and investigations of alleged maltreatment of individual children in the custody of DHS; and

- iv. reports and investigations of alleged violations of any policy against the use of corporal punishment or improper restraints.